

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: LEPAGE *et al.*

Application No.: 10/091,007

Filed: March 6, 2002

Group Art Unit: 1636

Examiner:

For: NUCLEIC ACIDS AND PROTEINS FROM GROUP B STREPTOCOCCUS

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

**Box Missing Parts**

Commissioner for Patents  
Washington, D.C. 20231

In response to the Notice to File Missing Parts mailed April 22, 2002, applicants respectfully submit the following. Applicants submit herewith: (a) an execute declaration and power of attorney; (b) Figures 15 and 16; and a check for the required fee concurrently with the present amendment. Applicants submitted Figures 15 and 16 with the original application, as shown by the stamped postcard and transmittal cover sheet, a copy of each is enclosed herewith. However, as a courtesy Applicants resubmit both figures as requested.

A check in the amount of \$65.00 is attached to cover the costs of this submission. In the event any variance exists between the amount enclosed and the PTO charges, please charge or credit such fees to the undersigned's Deposit Account No. 50-1640.

Respectfully submitted,

Dated: 6/6/02

By: Craig L. Puckett  
Craig L. Puckett (Reg. No. 43,023)

Brobeck, Phleger & Harrison LLP  
Intellectual Property Department  
1333 H Street, N.W., Suite 800  
Washington, D.C. 20005  
(202) 220-6000



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PATENT

- ☐ PROVISIONAL  
☒ UTILITY  
☐ DESIGN

Appln. No.: To Be Assigned  
Client/Matter No.: 031855.0010  
Inventor(s): Richard LE PAGE, et al.  
Title: NUCLEIC ACIDS AND PROTEINS FROM GROUP B STREPTOCOCCUS

Date: March 6, 2002  
Client: Kilburn & Strode  
Atty/Sec.: CLP:cdh

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- ☒ UTILITY PATENT APPLICATION TRANSMITTAL  
☒ SPECIFICATION INCLUDING ABSTRACT (68) PAGES PLUS 110 PAGES OF  
FORMAL DRAWINGS CLAIMS 1-24  
☒ UNEXECUTED DECLARATION AND POWER OF ATTORNEY  
☒ INFORMATION DISCLOSURE STATEMENT WITH 6 REFERENCES; FORM PTO-1449  
☒ SUBMISSION OF SEQUENCE LISTING WITH COMPUTER READABLE COPY  
AND PAPER COPY  
☒ STATEMENT VERIFYING IDENTITY OF SEQUENCE LISTING

**DOCKETED**



## UNITED STATES PATENT AND TRADEMARK OFFICE



10091007 1060 Page 1 of 2

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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/091,007	03/06/2002	Richard William Falla Le Page	031855.0010

CONFIRMATION NO. 6732

26118  
BROBECK, PHLEGER & HARRISON, LLP  
ATTN: INTELLECTUAL PROPERTY DEPARTMENT  
1333 H STREET, N.W. SUITE 800  
WASHINGTON, DC 20005

## FORMALITIES LETTER



\*OC000000007922813\*

Repln. Ref: 06/11/2002 TGEDAHU1 0010451100  
DAN:501640 Name/Number:10091007  
FC: 704 \$40.00 CR

Date Mailed: 04/22/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

06/11/2002 TGEDAHU1 00000081 10091007

FILED UNDER 37 CFR 1.53(b)

01 FC:205

65.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **15 and 16** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR**

**1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

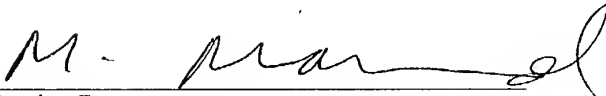
**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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March 6, 2002

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1333 H Street N.W.  
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## UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket Number: 031855.0010

First Named Inventor: Richard LE PAGE, et al.

Title: NUCLEIC ACIDS AND PROTEINS FROM GROUP B STREPTOCOCCUS

TO: BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Attached are the following for filing with the U.S. Patent and Trademark Office:

1. ☒ Specification - Total Pages: 68X (Including Abstract)

CLAIMS AS FILED						
	Claims Filed	Basic Fee Claims	Extra	Rate		Amount
				Large Entity	Small Entity	
Total Claims	29	20	9	\$ 18.00	\$ 9.00	\$81.00
Independent Claims	2	3	0	\$ 84.00	\$ 42.00	\$ 0.00
First Presentation of Multiple Dependent Claims				\$ 280.00	\$ 140.00	\$140.00
BASIC FEE				\$ 740.00	\$ 370.00	\$370.00
TOTAL FILING FEE						\$591.00

2. ☒ Drawings - Total Sheets: 110 (Figs. 1-16)3. Oath or Declaration - Total Pages: 3

- a. ☐ Newly executed (original or copy)  
☒ New (unexecuted)

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- b. ☐ Copy from a prior application  
(for continuation/divisional with Box 17 completed)
- i. ☐ DELETION OF INVENTOR(s):  
Signed statement attached deleting inventor(s) named in prior application.
4. ☐ Incorporation By Reference (useable if Box 4b is marked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
5. ☐ Microfiche Computer Program (Appendix)
6. ☒ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☒ Computer Readable Copy
- b. ☒ Paper Copy (identical to computer copy)
- c. ☒ Statement verifying identity of above copies
7. ☐ Assignment and Assignment Recordation Form
8. ☐ 37 C.F.R. 3.73(b) Statement ☐ Power of Attorney
9. ☐ English Translation Document (if applicable)
10. ☒ Information Disclosure Statement with PTO-1449 and References
- ☐ International Search Report
- ☒ Copies of Information Disclosure Statement Citations
11. ☐ Preliminary Amendment
12. ☒ Return Receipt Postcard
13. ☒ Small Entity Status Claimed: ☐ Independent Inventor  
☒ Small Business Concern  
☐ Non-Profit Organization
- ☐ Statement Enclosed
- ☐ Statement Filed in Prior Application; Status Still Proper and Desired

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14. ☐ Foreign Priority is Claimed as Follows:  
\_\_\_\_\_
- ☐ If Foreign Priority is Claimed, Certified Copy of the Above Priority Document(s) is Submitted Herewith
15. ☐ Other: \_\_\_\_\_
16. ☒ Continuation ☐ Divisional ☐ Continuation-in-Part of  
Prior Application No.: PCT/GB00/03437 filed September 7, 2000
- ☐ Complete Application Based on Provisional Application No.: \_\_\_\_\_  
filed \_\_\_\_\_
17. ☒ A new power of attorney or authorization of agent (PTO/SB/81) is as follows:  
☒ The power of attorney is to: Rodger L. Tate, Reg. No. 27,399; Anthony W. Shaw, Reg. No. 30,104; Cono A. Carrano, Reg. No. 39,623; Laurence H. Posorske, Reg. No. 34,698; Robert A. King, Reg. No. 42,738, Craig L. Puckett, Reg. No. 43,023, and Trevor Q. Coddington, Reg. No. 46,633.
18. Please address all correspondence to:
- ☒ CUSTOMER NUMBER 

26118
-------
- ☐ Laurence H. Posorske  
Intellectual Property Department  
Brobeck, Phleger & Harrison LLP  
1333 H Street, N.W.  
Suite 800  
Washington, DC 20005
19. ☒ Please charge the fee of \$591.00 to **Deposit Account No. 50-1640.**

March 6, 2002

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20. ☒ Amend Specification on Page 1, after the Title to include:


RELATED APPLICATIONS

This Application is a Continuation of PCT Application PCT/GB00/03437 filed on September 7, 2000.

- ☒ The Commissioner is hereby authorized to charge any variance between the amount due and the Patent Office charges to **Deposit Account No. 50-1640**.

Respectfully submitted,

By:



Craig L. Puckett

Registration No. 43,023

For:

Laurence H. Posorske

Registration No. 34,698

CLP:cdh  
Enclosure